

A. G. Contract No. KR96 1176TRN
ADOT ECS File No.: JPA 96-70
Project: 90CH322/HX047 01C
Section: SR-90 @ Guilio Cesare/
Avenida Del Sol (MP 322.50)

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF SIERRA VISTA

THIS AGREEMENT is entered into 28 AUGUST 1996,
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended,
between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF
TRANSPORTATION (the "State") and the CITY OF SIERRA VISTA, acting by and
through its MAYOR and CITY COUNCIL (the "City").

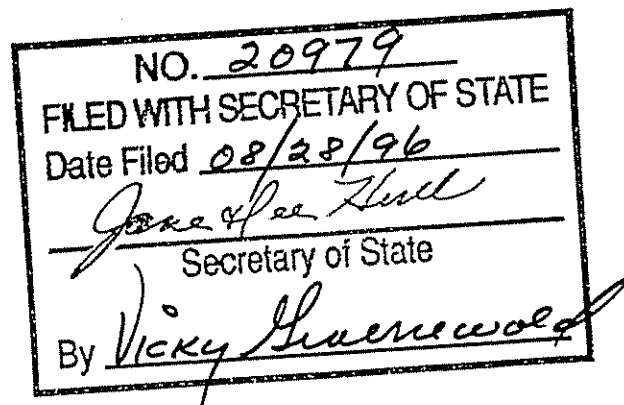
I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-108 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. The State and the City desire to participate in the design, construction and maintenance of a new traffic signal warranted on SR-90 at the intersection of Guilio Cesare/Avenida Del Sol in the City, at an estimated cost of \$120,000.00, hereinafter referred to as the Project, for the safety and benefit of the motoring public.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:



II. SCOPE

1. The State will:

a. Be responsible for fifty percent (50%) of the cost of the signal project construction cost, in an estimated amount of \$60,000.00.

b. Review and approve the signal Project design documents and provide comments to the City.

c. Within thirty (30) days after receipt of an invoice, pay the City the State's fifty percent (50%) share for the cost of the signal Project, in an amount estimated at \$60,000.00.

d. Provide construction inspection services.

e. Upon completion, approve and accept the Project on behalf of the parties hereto and provide maintenance to the signal.

2. The City will:

a. Provide to State standards design plans, specifications and such other documents and services required for construction bidding and construction of the signal Project. Incorporate State review comments.

b. Design and construct geometric improvements to the intersection side streets and be responsible for all costs associated therewith..

c. Invoice the State for its fifty percent (50%) share of the cost of the Project, in an amount estimated at \$60,000.00.

d. Call for bids and award one or more construction contracts for the signal Project. Administer same and make all payments to the contractor(s). Confer with the State on any signal Project related contract modifications. Be responsible for any contractor claims for extra compensation attributable to the City.

e. Upon completion and acceptance of the signal Project, provide electrical energy to operate the signal.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project and payments; provided, however, that this agreement, except any provisions herein for maintenance and electrical energy, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Sierra Vista
City Manager
1011 N. Coronado Drive
Sierra Vista, AZ 85635

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF SIERRA VISTA

STATE OF ARIZONA
Department of Transportation

By Richard F. Archer
RICHARD F. ARCHER
Mayor

By Michael P. Manthey
MICHAEL P. MANTHEY
State Traffic Engineer

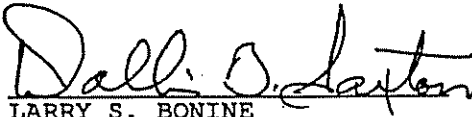
ATTEST

By Sandra L. Kenny
SANDRA L. KENNY
City Clerk

RESOLUTION

BE IT RESOLVED on this 12th day of June 1996, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Sierra Vista for the purpose of defining responsibilities to design, construct and maintain a new traffic signal warranted at the intersection of SR-90 at the intersection of Guilio Cesare/Avenida del sol.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the State Traffic Engineer for approval and execution.


for LARRY S. BONINE
Director

RESOLUTION 3665

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY; AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION TO SHARE THE COSTS OF INSTALLING A TRAFFIC SIGNAL AT SR90 AND GIULIO CESARE/AVENIDA DEL SOL; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, it is the settled policy of the City Council, to authorize the City staff to seek, make application for, and accept any Federal and State funding assistance for improvements to our community that are beyond the funding capability of City revenues, when it is determined by the City Council to be in the best interests of the City; and

WHEREAS, the City and State share responsibilities of providing streets and public roadways which are safe and meet the transportation needs of the general public; and

WHEREAS, traffic at the intersection of SR90 and Giulio Cesare/Avenida del Sol has increased to the level that a traffic signal is needed to promote the safe flow of traffic at that intersection; and

WHEREAS, it is in the mutual interest and benefit for ADOT and the City to install a traffic signal at the aforementioned intersection; and

WHEREAS, both parties desire to enter into an Intergovernmental Agreement which will allow a 50/50 sharing of the project costs.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the settled policy of the City Council of seeking Federal and State funding assistance, be, and hereby is, reaffirmed.

SECTION 2

That the City Council approves entering into an Intergovernmental Agreement with ADOT to share the project costs to install a traffic signal at the intersection of SR90 and Giulio Cesare/Avenida del Sol.

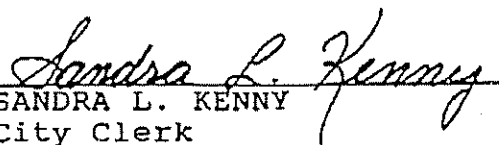
SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

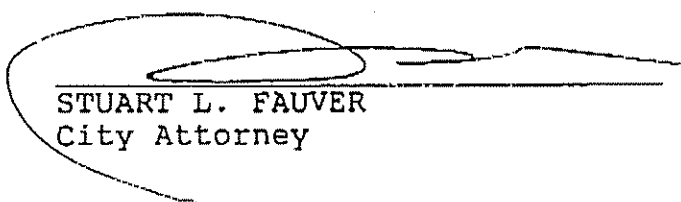
PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA THIS 8 TH DAY OF August 1996.


RICHARD F. ARCHER
Mayor

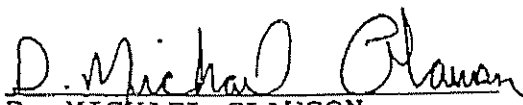
ATTEST:


SANDRA L. KENNY
City Clerk

APPROVED AS TO FORM:


STUART L. FAUVER
City Attorney

PREPARED BY:


D. MICHAEL CLAWSON
Purchasing Agent

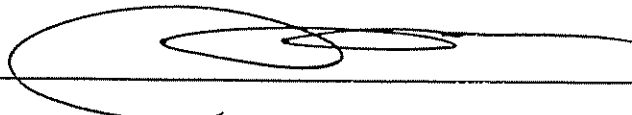
RESOLUTION 3663
PAGE TWO OF TWO

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APPROVAL OF THE SIERRA VISTA CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF SIERRA VISTA and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 12th day of AUGUST, 1996.



City Attorney